



(D NOTE)
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-11307
JTK&MDK

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DOA:.....Boñg, BB0350 – Sale or lease of state-owned real property

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

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- 1 AN ACT **relating to:** sale or lease of state-owned real property and contractual
2 operation of state facilities.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, with certain exceptions, DOA may sell or lease state-owned real property if DOA determines that the sale is in the best interest of the state and the Building Commission approves the sale. Any sale may be either on the basis of public bids, with DOA reserving the right to reject any bid in the interest of the state, or negotiated prices and need not reflect fair market value. Also currently, various state agencies have authority to sell real property under their jurisdiction subject to various conditions and limitations. The proceeds of any sales are deposited, credited, or used in various ways as provided by law. DOA's authority generally does not apply to property that another agency has authority to sell. Also, DOA's authority does not operate to permit the closure or sale of any facility or institution the operation of which is required by law. DOA's authority also does not extend to property under the jurisdiction of the Board of Regents of the University of Wisconsin, property under the jurisdiction of DNR, except central or district office facilities, property under the jurisdiction of the Board of Commissioners of Public Lands, and property acquired using state forestation tax revenue. In addition, DOA's authority does not extend to leased property until expiration, modification, renewal, or extension of the lease

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without consent of the lessee. Except as otherwise provided by law, any sale by DOA may be with or without the approval of the state agency that has jurisdiction over the property. The net proceeds of any sale by DOA are used to retire any outstanding public debt that was incurred to acquire, construct, or improve the property and if the property was acquired, constructed, or improved with federal financial assistance, the proceeds must be used to repay the federal government to the extent required by federal law. If the property was acquired by gift or grant or with gift or grant funds, DOA must adhere to any restriction governing use of the proceeds. DOA must use any remaining net proceeds to retire other outstanding public debt.

Currently, with certain exceptions, the Building Commission may also sell state-owned real property where this authority is not given to another state agency by law, and may transfer land under its jurisdiction among agencies. Sales may be accomplished in the same manner as sales by DOA. However, the Building Commission does not have this authority once DOA notifies the commission that an offer of sale or sale is pending. If a sale is not completed and no further action is pending with respect to a parcel of property, the authority of the Building Commission is restored. With limited exceptions, any sales or transfers of surplus land by the Building Commission are subject to approval of JCF. The net proceeds of any sales by the Building Commission must be used to retire any public debt that was used to acquire or construct improvements on the property being sold. The remaining net proceeds must be deposited in the budget stabilization fund.

This bill permits DOA to sell or lease any state-owned real property unless prohibited by the state or federal constitution or federal law, subject to the approval of the Building Commission. The bill does not apply to sales conducted to enforce an obligation to this state. The bill eliminates all other statutory authority of other state agencies, including the Building Commission, to sell state-owned real property. The bill does not repeal any statutes that require the operation of any facilities or institutions. Under the bill, if DOA sells all the real property that is currently used to operate a facility or institution, the facility or institution would need to continue in operation. Under the bill, DOA must use the remaining net proceeds of any sale, subject to current requirements, to retire any public debt incurred for transportation purposes from general fund supported borrowing and after any such debt is retired, to retire any public debt incurred for transportation purposes from segregated fund or segregated revenue supported borrowing and after any such debt is retired, to retire other outstanding public debt. The bill provides that if any parcel or property that is proposed to be sold by DOA is co-owned by a nonstate entity, DOA must afford to the co-owner the right of first refusal to purchase the share of the property owned by the state on reasonable financial terms established by DOA.

The bill also provides that if DOA leases a parcel of state-owned real property, DOA may contract for the operation of any function that is performed by the state on the property. Currently, DOA or any state agency to which DOA delegates authority may enter into a contractual services agreement if the services can be performed more economically or efficiently by contract than by the state directly. The bill provides that this requirement does not apply to contracts with lessees entered into by DOA under the bill. The bill provides that if DOA sells, leases, or contracts

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with a lessee for the operation of any real property that was under the jurisdiction of the Board of Regents of the University of Wisconsin system prior to the sale, lease, or contract, the board must convey all systems, fixtures, or additional property interests specified by DOA to the purchaser or lessor of the property on the terms specified by DOA. In addition, the bill provides that if DOA sells or contracts with a lessee for the operation of any facility that is operated by a state agency before the effective date of the sale or contract, DOA may decrease the authorized full-time equivalent positions for the agency and may lapse or transfer appropriated moneys from any appropriation made to the agency, other than a sum sufficient appropriation or an appropriation of federal revenues, to account for discontinuance of the operation of the facility by the agency.*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 ^x
SECTION 1. 13.48 (2) (d) of the statutes is amended to read:

2 13.48 (2) (d) The building commission, for the purpose of carrying out s. 36.33
3 relating to the sale and purchase of agricultural lands of the University of Wisconsin,
4 may authorize the advance of sums from the state building trust fund for the
5 purchase price, including option payments, of agricultural lands to be acquired by
6 the University of Wisconsin [↓] ~~and for expenses incurred in selling agricultural lands~~
7 ~~presently owned by the University of Wisconsin, including, without limitation~~
8 ~~because of enumeration, expenses of surveying, platting, constructing and~~
9 ~~improving streets and utilities and drainage in such a way as to realize the greatest~~
10 ~~return to the state in the sale of such lands, and other selling expenses.~~ ^{plain} All such sums
11 advanced shall be repaid to the state building trust fund from the appropriation
12 made by s. 20.285 (1) (gb).

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32.

13 SECTION 2. 13.48 (14) (am) of the statutes is amended to read:

14 13.48 (14) (am) Except as provided in this paragraph and subject to par. (d),
15 the building commission shall have the authority to sell or lease all or any part of a

1 ~~state-owned building or structure or state-owned land, including farmland, where~~
2 ~~such authority is not otherwise provided to an agency by law, and may transfer land~~
3 ~~under its jurisdiction among agencies. The building commission does not have the~~
4 ~~authority to sell or lease any state-owned property under this paragraph after the~~
5 ~~department of administration notifies the commission in writing that an offer of sale~~
6 ~~or sale with respect to a property is pending under s. 16.848 (1). If the sale is not~~
7 ~~completed and no further action is pending with respect to the property, the authority~~
8 ~~of the building commission under this paragraph is restored.~~

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32.

9 **SECTION 3.** 13.48 (14) (b) of the statutes is repealed.

10 **SECTION 4.** 13.48 (14) (c) of the statutes is repealed.

11 **SECTION 5.** 13.48 (2) (d) of the statutes is amended to read:

12 **SECTION 6.** 13.48 (14) (d) 3. (intro.) and a. of the statutes are amended to read:

13 13.48 (14) (d) 3. ^(intro.) Except as provided in subd. 4., the The commission shall

14 annually, beginning January 1, 1984, submit to the joint committee on finance an
15 inventory of surplus land containing the following information ^{plain} for each parcel ^{plain}:

16 a. The location, description and fair market value of each parcel.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32.

17 **SECTION 7.** 13.48 (14) (d) 3. b. of the statutes is amended to read:

18 13.48 (14) (d) 3. b. Whether the commission intends to sell or transfer the use
19 of the parcel from one agency to another agency.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32.

20 **SECTION 8.** 13.48 (14) (d) 4. of the statutes is amended to read:

1 13.48 (14) (d) 4. If the commission proposes to ~~sell or~~ transfer a parcel of surplus
2 land having a fair market value of at least \$20,000, the commission shall notify the
3 joint committee on finance in writing of its proposed action. If the cochairpersons of
4 the committee do not notify the commission that the committee has scheduled a
(5) meeting for the purpose of reviewing the proposed ~~sale or~~ transfer within 14 working
6 days after the date of the commission's notification, the parcel may be ~~sold or~~
7 transferred by the commission. If, within 14 working days after the date of the
8 commission's notification, the cochairpersons of the committee notify the
9 commission that the committee has scheduled a meeting for the purpose of reviewing
(10) the proposed ~~sale or~~ transfer, the parcel may be ~~sold or~~ transferred under this ~~✓~~
11 subdivision only upon approval of the committee. ~~This subdivision does not apply~~
12 ~~to surplus land that is authorized to be sold under s. 16.848.~~ ✓

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32. ✓

13 **SECTION 9.** 13.48 (14) (e) of the statutes is repealed.

14 **SECTION 10.** 13.48[✓] (20) of the statutes is repealed.

15 **SECTION 11.** 13.48[✓] (22) of the statutes is repealed.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32. ✓

16 **SECTION 12.** 13.488 (1) (a) of the statutes is repealed.

17 **SECTION 13.** 13.488[✓] (1) (c) of the statutes is amended to read:

18 13.488 (1) (c) The power to lease or sublease from such nonprofit-sharing
19 corporation, and to make available for public use, any lands or any such land and
20 existing buildings ~~conveyed or~~ leased to such corporation under ~~par. (a) and par. (b),~~ ✓
21 and any new buildings erected upon such land or upon any other land owned by such
22 corporation, upon such terms, conditions and rentals, subject to available

1 appropriations, as in the judgment of the building commission are in the public
2 interest. ~~With respect to any property conveyed to such corporation under par. (a),~~
3 ~~such lease from such corporation may be subject or subordinated to one or more~~
4 ~~mortgages of such property granted by such corporation.~~

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); ~~1979 c. 32 s. 92 (5)~~; 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399; 1989 a. 219; 1999 a. 197; 2011 a. 10.

5 **SECTION 14.** 13.488 (1) (d) of the statutes is amended to read:

6 13.488 (1) (d) The duty to submit the plans and specifications for all such new
7 buildings and all conveyances, leases and subleases made pursuant to this section
8 to the department of administration and the governor for written approval before
9 they are finally adopted, executed and delivered.

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); ~~1979 c. 32 s. 92 (5)~~; 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399; 1989 a. 219; 1999 a. 197; 2011 a. 10.

10 **SECTION 15.** 16.310 of the statutes is repealed.

11 **SECTION 16.** 16.848 (title) of the statutes is amended to read:

12 **16.848 (title) Sale or lease of certain state property; contractual**
13 **operation by lessee.**

History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 912~~(6)~~ (a); 2007 a. 100; 2009 a. 180; 2011 a. 32.

14 **SECTION 17.** 16.848 (1) of the statutes is amended to read:

15 16.848 (1) ~~Except as provided in sub. (2), the~~ [✓]The department may offer for sale
16 or lease any state-owned real property, if the department determines that the sale
17 is in the best interest of the state, unless prohibited under the state or federal
18 constitution or federal law or the sale is conducted as a part of ^aprocedure to enforce
19 an obligation to this state. Any sale may be either on the basis of public bids, with
20 the department reserving the right to reject any bid in the interest of the state, or
21 negotiated prices. If the department receives an offer to purchase property offered
22 under this subsection, the department may submit a report to the building
23 commission recommending acceptance of the offer. The report shall contain a
24 description of the property and the reasons for the recommendation. The

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department may recommend the sale of a parcel of property with or without the approval of the agency, as defined in s. 16.52 (7), having jurisdiction of the property. If the building commission approves the proposed sale, the department may sell the property. If the department sells or leases any state-owned real property under this subsection, the department may attach such conditions to the sale or lease as it finds to be necessary or appropriate to carry out the sale or lease in the best interest of the state. If the department leases state-owned real property under this subsection, the department may contract with the lessee for the operation of any function that is performed by the state on the property. (INSEPT 7-9)

History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (g) (a); 2007 a. 100; 2009 a. 180; 2011 a. 32.

SECTION 18. 16.848 (1g) of the statutes is created to read:

16.848 (1g) If any parcel of property that is proposed to be sold by the department under sub. (1) is co-owned by a nonstate entity, the department shall afford to that entity the right of first refusal to purchase the share of the property owned by the state on reasonable financial terms established by the department.

SECTION 19. 16.848 (1r) of the statutes is created to read:

16.848 (1r) (a) If the department sells or contracts with a lessee for the operation of any facility that is operated by an agency, as defined in s. 16.52 (7), on the day prior to the effective date of the sale or contract, the secretary shall, notwithstanding s. 16.50 (1), require submission of expenditure estimates ^{for approval} under s. 16.50 (2) for each agency that proposes to expend moneys from any appropriation for the operation of the facility during the fiscal biennium in which the facility is sold or operated under contract.

(b) Notwithstanding s. 16.50 (2), the secretary shall disapprove any such estimate for the period during which the facility is not operated by the agency. The

1 secretary may then require the use of the amounts of any disapproved expenditure
2 estimates for the purpose of purchase of contractual services from the facility or
3 payment of the costs of purchasing services that were provided by the facility from
4 an alternative source. If the department sells or contracts for the operation of a
5 facility under this subsection, the secretary may identify any full-time equivalent
6 positions authorized for the agency that was operating the facility the duties of which
7 primarily relate to the management or operation of the facility, and may decrease the
8 authorized full-time equivalent positions for the agency by the number of positions
9 so identified effective on the effective date of the sale or contract.

10 (c) Notwithstanding ss. 20.001 (3) (a) to (c) and 25.40 (3), the secretary may
11 lapse or transfer to the general fund from the unencumbered balance of
12 appropriations to any agency, other than sum sufficient appropriations and
13 appropriations of federal revenues, any amount appropriated to an agency that is
14 determined by the secretary to be allocated for the management or operation of the
15 facility that was sold or operated under contract effective on the effective date of the
16 sale or contract.

17 (d) The secretary shall report any action taken under this subsection to the
18 cochairpersons of the joint committee on finance.

19 **SECTION 20.** 16.848^x (2) of the statutes is repealed.

20 **SECTION 21.** 16.848^x (4) (a) of the statutes is amended to read:

21 16.848 (4) (a) ~~Except as provided in s. 13.48 (14) (e), if~~ [✓] If there is any
22 outstanding public debt used to finance the acquisition, construction, or
23 improvement of any property that is sold under sub. (1), the department shall deposit
24 a sufficient amount of the net proceeds from the sale of the property in the bond
25 security and redemption fund under s. 18.09 to repay the principal and pay the

1 interest on the debt, and any premium due upon refunding any of the debt. If the
2 property was acquired, constructed, or improved with federal financial assistance,
3 the department shall pay to the federal government any of the net proceeds required
4 by federal law. If the property was acquired by gift or grant or acquired with gift or
5 grant funds, the department shall adhere to any restriction governing use of the
6 proceeds. ~~Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6),~~
7 ~~if~~ If there is no such debt outstanding, there are no moneys payable to the federal
8 government, and there is no restriction governing use of the proceeds, and if the net
9 proceeds exceed the amount required to be deposited, paid, or used for another
10 purpose under this paragraph, the department shall first use the net proceeds or
11 remaining net proceeds to pay principal and interest costs on outstanding public debt
12 that was used for transportation purposes from general fund supported borrowing,
13 shall then use the net proceeds or remaining net proceeds to pay principal and
14 interest costs on outstanding public debt that was used for transportation purposes
15 from segregated fund or segregated revenue supported borrowing, and shall then use
16 the net proceeds or remaining net proceeds to pay principal and interest costs on
17 other outstanding public debt.

History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) ~~(b)~~; 2007 a. 100; 2009 a. 180; 2011 a. 32.

18 **SECTION 22.** 16.848 (4) (b) (intro.) of the statutes is amended to read:

19 16.848 (4) (b) (intro.) ~~For~~ Except as otherwise required under par. (a), for the
20 purpose of paying principal and interest costs on other outstanding public debt under
21 par. (a), the secretary may cause outstanding bonds to be called for redemption on
22 or following their optional redemption date, establish one or more escrow accounts
23 to redeem bonds at their optional redemption date, or purchase bonds in the open

1 market. To the extent practical, the secretary shall consider all of the following in
2 determining which public debt to redeem:

History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (X)(a); 2007 a. 100; 2009 a. 180; 2011 a. 32.

3 **SECTION 23.** 16.705 (1) of the statutes is amended to read:

4 16.705 (1) The Except as otherwise provided in this section, the department
5 or its agents may contract for services which can be performed more economically or
6 efficiently by such contract. The department shall, by rule, prescribe uniform
7 procedures for determining whether services are appropriate for contracting under
8 this subsection.

History: 1977 c. 196 s. 31; Stats. 1977 s. 16.705; 1981 c. 20; 1983 a. 27; 1985 a. 29 s. 3200 (1); 1985 a. 332 s. 251 (1); 1987 a. 186; 1989 a. 125; 1999 a. 105; 2003 a. 33
ss. 201, 9168; 2005 a. 89, 142, 431; 2009 a. 28, 136; 2011 a. 10, 32, 266.

9 **SECTION 24.** 16.705 (1e) of the statutes is created to read:

10 16.705 (1e) Subsection (1) does not apply to contracts entered into by the
11 department under s. 16.848 (1).

12 **SECTION 25.** 16.98 (3) of the statutes is amended to read:

13 16.98 (3) All proceeds from the sale of land, buildings, supplies and equipment
14 personal property received under this section shall be credited to the appropriation
15 under s. 20.505 (1) (im) or (ka). Such proceeds may be used for the purchase of lands
16 and buildings or for construction or improvement of buildings for the purpose of
17 storing and handling excess and surplus property.

History: 1971 c. 215; 1977 c. 29; 1979 c. 34 s. 2102 (1)(X), (c); 1983 a. 106; 1987 a. 27, 399; 1997 a. 27; 1999 a. 9; 2011 a. 32.

18 **SECTION 26.** 20.370 (1) (fs) of the statutes is amended to read:

19 20.370 (1) (fs) *Endangered resources — voluntary payments; sales, leases, and*
20 *fees.* As a continuing appropriation, from moneys received as amounts designated
21 under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10
22 (5) (h) 4. and 71.30 (10) (h) 3, all moneys received from the sale or lease of resources
23 derived from the land in the state natural areas system, and all moneys received from

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fees collected under ss. 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5. and 12., for the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a) 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10 (5) (h) 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under s. 341.14 (6r) (b) 5. and 12. in each fiscal year shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species, except that this combined allocation may not exceed \$100,000 per fiscal year.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

SECTION 27. 20.370 (1) (gr) of the statutes is amended to read:

20.370 (1) (gr) *Endangered resources program — gifts and grants; sale of state-owned lands.* All moneys received from gifts, grants and bequests for the endangered resources program, as defined under s. 71.10 (5) (a) 2., to be expended for the purposes for which made and received; and all moneys received from gifts and contributions under the Wisconsin natural areas heritage program and all moneys received from the sale of state-owned lands withdrawn from the state natural areas system for the purposes of natural heritage land acquisition activities, natural area land acquisition activities, and administration of the natural areas inventory program.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

SECTION 28. 20.370 (7) (ag) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 29. 20.373 (1) (g) of the statutes is amended to read:

20.373 (1) (g) *Administration, operation, repair, and rehabilitation.* From the general fund, all moneys received from the sale of surplus land under 2005 Wisconsin Act 25, section 9105 (14q) ⁵ prior to the effective date of this paragraph ⁶ (LRB inserts ⁷ date, ⁸ to be used for administration of the authority and the operation, repair, and rehabilitation of the Fox River lock system.

History: 2001 a. 16; 2005 a. 25; 2007 a. 20.

SECTION 30. 20.395 (9) (qd) of the statutes is amended to read:

20.395 (9) (qd) *Freeway land disposal reimbursement clearing account.* All moneys received from the disposition of interests in lands and property previously acquired and held in trust for the state for freeway development for the purpose of reimbursing federal and local governments government for expenses incurred by ~~them~~ it for such acquisition.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109; 2003 a. 33, 64, 139, 220, 320; 2005 a. 25, 319, 335; 2007 a. 20, 42; 2009 a. 28, 224, 226, 276; 2011 a. 32, 257; 2011 a. 260 s. 80; s. 13.92 (2) (i).

History: 1991 a. 206, 316.

SECTION 31. 20.410 (3) (hm) of the statutes is amended to read:

20.410 (3) (hm) *Juvenile correctional services.* The amounts in the schedule for juvenile correctional services specified in ss. 49.45 (25) (bj) and 301.26 (4) (c) and (d). All moneys received from the sale of surplus personal property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys transferred under s. 301.26 (4) (ct), and, except as otherwise provided in pars. (ho) and (hr), all moneys received in payment for juvenile correctional services as specified in s. 301.26 (4) (d),

(dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by more than 2%, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233; 2011 a. 32, 38, 266.

SECTION 32. 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care, other than under s. 51.06 (1r), provided by the centers for the developmentally disabled, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s. 46.043, provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of personal property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing, and providing services, products, and care. All moneys received as payments from medical assistance on and after August 1, 1978;

as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10, and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam, or chilled water; as payments in restitution of personal property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus personal property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products, and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health Institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; s. 35.17 correction in (4) (gr).

SECTION 33. 20.465 (1) (g) of the statutes is amended to read:

20.465 (1) (g) *Military property.* The amounts in the schedule for rent of state-owned military lands or buildings used by, acquired for or erected for the

1 Wisconsin national guard under s. 321.03 (2) (a), for rental of buildings and grounds
 2 maintenance equipment owned by the state and required to properly maintain
 3 properties supported by state-federal cooperative funding agreements, for the
 4 repair and maintenance of state-owned military lands or buildings, for the payment
 5 of municipal assessments related to state-owned military property and for the
 6 purchase and construction of new military property, real and personal. All moneys
 7 received on account of lost military property, from the sale of obsolete or
 8 unserviceable military personal property, from the sale of any state-owned military
 9 personal property, ~~real and personal~~, under s. 321.03 (2) (b), from the rental of
 10 state-owned housing, or from the provision of housing-related services to military
 11 personnel shall be credited to this appropriation.

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History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269; 2007 a. 20, 200; 2009 a. 28, 42.

SECTION 34. 20.866 (1) (u) of the statutes is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1)
 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7)
 (aa), (ac), ~~(ag)~~, (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea),
 (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3)
 (e), 20.435 (2) (ee), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505
 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a)
 and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bm), (bn),
 (bp), (bq), (br), (bu), (bv), (g), (h), (i), (kd), and (q) for the payment of principal,
 interest, premium due, if any, and payment due, if any, under an agreement or

- 1 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt
2 contracted under subchs. I and IV of ch. 18.

NOTE: NOTE: There is no s. 20.867 (3) (bk). Corrective legislation is pending. NOTE:

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300; 2007 a. 5; 2007 a. 20 ss. 582 to 597s, 9127 (6) (a); 2007 a. 226; 2009 a. 28, 361; 2011 a. 13, 32, 158.

- 3 **SECTION 35.** 20.913 (3) (b) of the statutes is amended to read:

- 4 20.913 (3) (b) *Lands.* For repayment of moneys paid to the state on purchases
5 of public or escheated lands, as provided in ss. 24.11, 24.33, 24.34 and 24.35.

History: 1971 c. 310 s. 4; 1975 c. 39; 1977 c. 418; 1985 a. 29, 120; 1987 a. 312 s. 17; 1987 a. 378, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 1185, 9126 (19); 1995 a. 351; 2007 a. 20 s. 9121 (6) (a).

- 6 **SECTION 36.** 23.0917 (5m) (b) (intro.) and 4. of the statutes are consolidated,
7 renumbered 23.0917 (5m) (b) and amended to read:

- 8 23.0917 (5m) (b) For each land acquisition transaction under this subsection,
9 all of the following apply:

- 10 ~~4. For bonds that are not retired from the proceeds of the sale of the acquired~~
11 ~~land within 3 years after the date on which the land was acquired by the department,~~
12 ~~the department shall adjust the available bonding authority for the subprogram for~~
13 ~~land acquisition by decreasing the available bonding authority for the next fiscal~~
14 ~~year beginning after the end of that the 3-year period following the date of~~
15 ~~acquisition by an amount equal to the total amount of the bonds that have not been~~
16 ~~retired from such proceeds in that fiscal year and, if necessary, shall decrease for each~~
17 ~~subsequent fiscal year the available bonding authority in an amount equal to that~~
18 ~~available bonding authority or equal to the amount still needed to equal the total~~
19 ~~amount of the bonds that have not been retired from such proceeds, whichever is less,~~
20 ~~until the available bonding authority has been decreased by an amount equal to the~~
21 ~~total of the bonds that have not been retired.~~

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28; 2011 a. 32, 250.

1 **SECTION 37.** 23.0917 (5m) (b) ^X1. ^Xto ^X3. of the statutes are repealed.

2 **SECTION 38.** 23.0917 (6m) ^X(e) of the statutes is amended to read:

3 23.0917 **(6m)** (e) This subsection does not apply to moneys obligated for the
4 purpose of property development as described under sub. (4) ~~or to moneys obligated~~
5 ~~for land acquired by the department under s. 24.59~~ [✓](1).

History: 1999 a. 9, 185; 2001 a. 16, 30, 109; ~~2003 a. 33~~; 2007 a. 20; 2009 a. 28; 2011 a. 32, 250.

6 **SECTION 39.** 20.913 (3) (b) of the statutes is amended to read:

7 20.913 **(3)** (b) *Lands*. For repayment of moneys paid to the state on purchases
8 of public or escheated lands, as provided in ss. 24.11, 24.33, 24.34 and 24.35.

History: 1971 c. 310 s. 4; 1975 c. 39; 1977 c. 418; 1985 a. 29, 120; 1987 a. 312 s. 17; 1987 a. 378, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 1185, 9126 (19); 1995 a. 351; 2007 a. 20 s. 9121 (6) (a).

9 **SECTION 40.** 23.15 of the statutes is repealed.

History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 ^X3.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2011 a. 32.

10 **SECTION 41.** 23.196 (2) (c) of the statutes is repealed.

History: 1995 a. 27, 417; 1997 a. 27; 1999 a. 186. ^X

11 **SECTION 42.** 23.1985 of the statutes is repealed.

12 **SECTION 43.** 23.27 (6) of the statutes is amended to read:

13 23.27 **(6)** SALE; CREDIT. ~~Moneys received by the state from the sale of any area~~
14 ~~on state-owned land under the department's management or control which is~~
15 ~~withdrawn from the state natural areas system shall be credited to the appropriation~~
16 ~~under s. 20.370 (1) (gr).~~ An amount equal to the value of any area on state-owned
17 land under the department's management or control which is withdrawn from the
18 state natural areas system but remains in state ownership shall be credited to the
19 appropriation under s. 20.370 (1) (gr).

History: 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1997 a. 27 ss. 769 to 772, 9456 (3m); 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 496, 2493; 2011 a. 32.

20 **SECTION 44.** 23.27 (7) of the statutes is amended to read:

SECTION 44

~~23.27 (7) SALE~~ ^{LEASE} OF RESOURCES. Moneys received from the ~~sale or~~ lease of resources derived from the land in the state natural areas system shall be credited to the appropriation under s. 20.370 (1) (fs).

History: 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1997 a. 27 ss. 769 to 772, 9456 (3m); 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 496, 2493; 2011 a. 32.

~~SECTION 45. 23.27 (6) of the statutes is repealed.~~

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SECTION 46. 24.04 (2) of the statutes is amended to read:

24.04 (2) DISBURSEMENTS. All expenses necessarily incurred in caring for and selling public lands shall be deducted from the gross receipts of the fund ~~to which the proceeds of the sale of the land will be added~~ for which the lands are granted. Expenses necessarily incurred in caring for public lands may include expenses for reforestation, erosion and insect control, submerged log monitoring, surveys, appraisals, soil surveys and soil mapping activities and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds.

History: 1975 c. 39 s. 734; 1977 c. 418; 1979 c. 32; 1983 a. 423; 1993 a. 16; 1997 a. 27; 1999 a. 9.

SECTION 47. 24.06 of the statutes is repealed.

SECTION 48. 24.07 of the statutes is repealed.

SECTION 49. 24.08 (1) of the statutes is amended to read:

24.08 (1) LANDS APPRAISED. Every parcel of public land that was never appraised, every parcel of public land forfeited to the state under s. 24.28 and every parcel of land mortgaged to secure any loan of trust funds and bid in by the state at a sale an exchange of that land under the mortgage shall be appraised under this section before it is offered ~~or reoffered for sale at public auction, at private sale or~~ exchanged for other lands. These lands may be reappraised whenever necessary.

History: 1973 c. 90; 1983 a. 423; 1993 a. 16.

SECTION 50. 24.08 (4) of the statutes is amended to read:

24.08 (4) APPRAISED VALUE, MINIMUM PRICE, GOVERNMENT MINIMUM. Such appraised value shall be the minimum price of the land until sold or reappraised. Until an appraisal under this section, the appraisal last heretofore made of any parcel of public land, if any has been made, shall fix the minimum price thereof. Notwithstanding this section no parcel of public land having a minimum price for the sale thereof fixed by the act of congress granting the same to the state, shall be sold for a lesser price than that so fixed.

History: 1973 c. 90; 1983 a. 423; 1993 a. 16. X

SECTION 51. 24.09 (title) of the statutes is amended to read:

24.09 (title) Procedure before sale or exchange; withdrawal; resale.

History: 1983 a. 423; 1987 a. 76; 1997 a. 27; 2005 a. 149, 32. X

SECTION 52. 24.09 (1) (a) of the statutes is ^{renumbered 24.09 (1) and} amended to read:

24.09 (1) (a) Except as provided under ^{sub. (4)} par. (c), the board may not sell or exchange any public lands which were not appraised or appraised under s. 24.08. Except as provided under ^{subs. (2), (3) and (4)} pars. (b), (bm) and (c), the board may not sell or exchange any public lands except at public auction or by sealed bid.

History: 1983 a. 423; 1987 a. 76; 1997 a. 27; 2005 a. 149, 32. X

SECTION 53. 24.09 (1) (bm) of the statutes is ^{renumbered 24.09 (3) and} amended to read:

24.09 (1) (bm) The board may exchange part or all of any parcel of public lands for any other land of approximately equal value if the board determines that the exchange will contribute to the consolidation or completion of a block of land, enhance conservation of lands or otherwise be in the public interest. Under this ^{subsection} paragraph, an exchange is of "approximately equal value" if the difference in value between the more highly valued land and the less highly valued land does not exceed 10% of the value of the more highly valued land. All expenses necessarily incurred in making an exchange under this ^{subsection} paragraph shall be deducted from the gross

receipts of the fund ~~to which the proceeds of the sale of the exchanged land will be~~
added for which the lands are granted.

History: 1983 a. 423; 1987 a. 76; 1997 a. 27; 2005 a. 49, 352.

SECTION 54. 24.09 (1) (c) of the statutes is ^{renumbered 24.09 (4) and} amended to read:

24.09 (1) (c) Lands located within the federally recognized exterior boundaries
of Indian reservations or located adjacent to the federally recognized boundaries of
Indian reservations may be sold ~~to or~~ exchanged with the Indian tribe or tribes
located on those reservations or ~~sold to or~~ exchanged with the federal government for
the benefit and use of such tribe or tribes upon prices, terms and conditions agreeable
to the board and without being subject to the restrictions and procedure otherwise
provided by law for the sale exchange of public lands.

History: 1983 a. 423; 1987 a. 76; 1997 a. 27; 2005 a. 49, 352.

SECTION 55. 24.09 (1) (d) of the statutes is repealed.

SECTION 56. 24.09 (2) of the statutes is repealed.

SECTION 57. 24.10 ^{of the statutes is repealed.}

SECTION 58. 24.11 (1) of the statutes is repealed.

SECTION 59. 24.11 (2) of the statutes is repealed.

SECTION 60. 24.11 (3) (title) of the statutes is renumbered 24.11 (title) ^{repealed.}

SECTION 61. 24.11 (3) of the statutes is renumbered 24.11 and amended to read:

24.11 Every contract, ~~certificate of sale,~~ or grant hereunder of public lands
shall reserve to the people the right of access to such lands and to any meandered or
nonmeandered stream, river, pond or lake navigable in fact for any purpose
whatsoever, bordered by such lands and all rights necessary to the full enjoyment of
such waters, and of all minerals in said lands, and all mining rights therein, and shall
also be subject to continued ownership by the state of all waterpower rights on such
lands or in any manner appurtenant thereto. Such conveyance shall also be subject

1 to a continuing easement in the state and its assigns to enter and occupy such lands
2 in any manner necessary and convenient to the removal of such mineral from such
3 lands and to the proper exercise of such mineral rights, and shall be further subject
4 to the continuing easement in the state and its assigns to enter and occupy such lands
5 in any manner necessary and convenient to the development, maintenance and use
6 of any such water rights. Nothing contained in this section shall be construed to
7 provide for the continued ownership in the state of any stone used for building
8 purposes nor of any sand or gravel.

History: 1979 c. 110 s. 60 (13); 1983 a. 423; 1991^x 316; 1995 a. 225; 2005 a. 149, 352.

9 **SECTION 62.** 24.11^x (4) of the statutes is repealed.

10 **SECTION 63.** 24.12^x of the statutes is repealed.

11 **SECTION 64.** 24.14^x of the statutes is repealed.

12 **SECTION 65.** 24.15^x of the statutes is repealed.

13 **SECTION 66.** 24.16^x of the statutes is repealed.

14 **SECTION 67.** 24.17^x of the statutes is repealed.

15 **SECTION 68.** 24.18^x of the statutes is repealed.

16 **SECTION 69.** 24.19^x of the statutes is repealed.

17 **SECTION 70.** 24.20^x of the statutes is repealed.

18 **SECTION 71.** 24.21^x of the statutes is repealed.

19 **SECTION 72.** 24.22^x of the statutes is repealed.

20 **SECTION 73.** 24.23^x of the statutes is repealed.

21 **SECTION 74.** 24.24^x (1) of the statutes is amended to read:

22 24.24 (1) Except when voided by forfeiture under s. 24.28, a certificate of sale
23 issued under s. 24.17, 2011 stats., entitles the purchaser, or the purchaser's heirs or
24 assigns, to all the rents, benefits, and provisions of any lease existing on the lands

described in the certificate at the time of the land purchase and accruing after the purchase. The certificate of sale is sufficient evidence of title and vests in the purchaser, or the purchaser's heirs and assigns, the same rights of possession, enjoyment, descent, transmission, and alienation of the lands described in the certificate and the same remedies for the protection of those rights against all persons, except the state, that the purchaser would possess if the purchaser were the owner in fee of the described lands.

History: 1991 a. 316; 2005 a. 149.

~~SECTION 75.~~ 24.25 of the statutes is repealed.

~~SECTION 76.~~ 24.27 of the statutes is repealed.

~~SECTION 77.~~ 24.28 (1) (intro.) of the statutes is amended to read:

24.28 (1) (intro.) A certificate of sale issued under s. 24.17, 2011 stats., becomes void upon the occurrence of any of the following, and the purchaser of the lands described in the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest in the lands:

History: 1991 a. 316; 2005 a. 149.

~~SECTION 78.~~ 24.29 of the statutes is repealed.

~~SECTION 79.~~ 24.31 of the statutes is repealed.

~~SECTION 80.~~ 24.33 (1) (intro.) of the statutes is amended to read:

24.33 (1) (intro.) The board, within 3 months after a resale under s. 24.32, may by a written recorded order, a copy of which shall be immediately served on the purchaser of the resold land, avoid and cancel the resale and restore and revive the certificate issued to the original purchaser of the land under s. 24.17, 2011 stats., after all of the following occur:

History: 1979 c. 110 s. 60 (13); 1991 a. 316; 2000 a. 102; 2003 a. 33.

~~SECTION 81.~~ 24.32 of the statutes is repealed.

~~SECTION 82.~~ 24.33 of the statutes is repealed.

✕

SECTION 83. 24.52 of the statutes is amended to read:

24.52 Jurisdiction. Together with the power and duty of selling the school and university lands and investing the funds arising therefrom from the sale of the school and university lands, prescribed for the board by article X, section 7, of the constitution, it is invested with power to dispose of all other public lands and all interests in lands held by the state for sale, and with such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties imposed upon it by law.

History: 1979 c. 34 s. 699g; Stats. 1979 s. 24.52; 1983 a. 192.

SECTION 84. 24.53 of the statutes is amended to read:

24.53 Investigate land claims; deduct expenses. The board of commissioners of public lands shall investigate the rights of the state to school lands, normal school lands, university lands and agricultural college lands. The expenses incurred in making these investigations and taking necessary steps to protect common school lands, normal school lands, university lands and agricultural college lands and timber on those lands, as well as the expense of necessary surveys, records, appraisals and sales, upon the approval of the board, shall be deducted from the gross receipts of the fund to which the proceeds from the sale of the land or timber will be added for which the lands are granted.

INS 23-19

History: 1979 c. 34 s. 699g; Stats. 1979 s. 24.53

SECTION 85. 24.59 of the statutes is repealed.

✕

SECTION 86. 24.605 of the statutes is amended to read:

24.605 Accounts in trust funds for deposit of proceeds from sale of certain lands. The board shall establish in each of the trust funds an account to which are credited the proceeds from the sale of any public lands on or after May 3, 2006, and before the effective date of this section (LRB inserts date) that are required

24

by law to be deposited in the funds. Moneys credited to the accounts in the funds may only be used to invest in land under s. 24.61 (2) (a) 10. and for the payment of expenses necessarily related to investing in land under s. 24.61 (2) (a) 10.

History: 2005 a. 352.

SECTION 87. 25.17^X (8) of the statutes is amended to read:

25.17 (8) Accept, when necessary to protect a mortgage loan, a quitclaim deed or warranty deed to the mortgaged property in full satisfaction of the mortgage debt, and manage, operate, lease, exchange, ~~sell and convey~~, by land contract, quitclaim deed or warranty deed, and grant easement rights in, any real property acquired by the board.

History: 1971 c. 41 s. 12; 1971 c. 74; 1971 c. 100 s. 23; 1971 c. 125 s. 522 (1); 1971 c. 164; 1971 c. 214 s. 147; 1971 c. 260 s. 92 (3) to (5); 1973 c. 117, 137, 151; 1973 c. 208 s. 17; 1973 c. 209, 333, 336; 1975 c. 26, 27, 39, 118, 147, 164, 180, 189, 200, 422; 1977 c. 29 ss. 439 to 439f, 1654 (1); 1977 c. 31, 107, 377, 418, 423; 1979 c. 32; 1979 c. 34 ss. 705 to 707b, 2102 (56) (a); 1979 c. 102; 1979 c. 109 s. 16; 1979 c. 221; 1979 c. 318 ss. 1 to 3; 1979 c. 361 s. 113; 1981 c. 20, 86; 1981 c. 96 ss. 18 to 21, 67; 1981 c. 169, 386; 1983 a. 27; 1983 a. 36 ss. 31, 96 (4); 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 142, 189, 192, 368, 410; 1985 a. 25, 29, 53, 120; 1985 a. 332 s. 251 (1); 1987 a. 27, 38, 119, 186, 252, 399; 1989 a. 13, 31, 64, 187, 307, 335, 359, 366; 1991 a. 32, 38, 39, 152, 174, 221, 269, 315; 1993 a. 16, 112, 263, 477; 1995 a. 27 ss. 1394m to 1396, 9116 (5); 1995 a. 56, 213, 227, 274, 403; 1997 a. 27, 35, 191; 1999 a. 9, 11, 63, 65, 83, 167, 196; 2001 a. 7, 13, 16, 92, 104, 109; 2003 a. 33, 35, 48, 91, 111, 299; 2005 a. 1, 22, 25, 74, 153, 172, 335, 441, 478; 2007 a. 20, 97, 125, 155, 170, 212, 226; 2009 a. 2, 28, 89, 190; 2011 a. 32, 166, 198, 257.

SECTION 88. 25.295^J (1) (b) of the statutes is amended to read:

25.295 (1) (b) ~~Notwithstanding s. 23.15 (4), all~~ All moneys received by the department of natural resources from utility easements on property located in the state park system, a southern state forest, as defined in s. 27.016 (1) (c), or a state recreation area under ss. 23.09 (10), 27.01 (2) (g) and 28.02 (5).

History: 1995 a. 27.

SECTION 89. 28.02^X (4)^C of the statutes is repealed.

SECTION 90. 25.60^X of the statutes is amended to read:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under ss. ~~13.48 (14) (e), 16.518 (3), and~~ ^{strike} 16.72 (4) (b).

History: 1985 a. 120; 2001 a. 16; 2003 a. 33; 2005 a. 23; 2007 a. 20.

SECTION 91. 36.09^X (1) (L) of the statutes is amended to read:

1 36.09 (1) (L) The board shall possess all powers necessary or convenient for the
2 operation of the system except as limited in this chapter and s. 16.848 (1).

History: 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27 ss. 1156ad, 9456 (3m); 1997 a. 35, 237, 307; 1999 a. 42; 2001 a. 16, 104; 2003 a. 33 ss. 930, 931, 2811, 9160; 2003 a. 48 ss. 10, 11; 2004 a. 206 s. 23; 2003 a. 320; 2005 a. 25 ss. 695, 2493; 2007 a. 125; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

3 **SECTION 92.** 36.09 (1) (m) of the statutes is created to read:

4 36.09 (1) (m) If the department of administration sells [↗] leases, or contracts with
5 a lessee for the operation of any real property that was under the jurisdiction of the
6 board prior to the sale, lease, or contract, the board shall convey all systems, fixtures,
7 or additional property interests specified by the department of administration to the
8 purchaser or lessor of the property on terms specified by the department of
9 administration.

10 **SECTION 93.** 36.11 [↗] (1) (b) of the statutes is amended to read:

11 36.11 (1) (b) Except as provided in this paragraph, the board may purchase,
12 have custody of, hold, control, possess, lease, grant easements and enjoy any lands,
13 buildings, books, records and all other property of any nature which may be
14 necessary and required for the purposes, objects and uses of the system authorized
15 by law. The power to lease does not apply to any real property that is subject to a lease
16 entered into by the department of administration under s. 16.848 (1). Any lease by
17 the board is subject to the powers of the University of Wisconsin Hospitals and
18 Clinics Authority under s. 233.03 (13) and the rights of the authority under any lease
19 agreement, as defined in s. 233.01 (6). The board shall not permit a facility that
20 would be privately owned or operated to be constructed on state-owned land without
21 obtaining prior approval of the building commission under s. 13.48 (12). ~~The board~~
22 ~~may sell or dispose of such property as provided by law, or any part thereof when in~~
23 ~~its judgment it is for the best interests of the system and the state.~~ All purchases and
24 sales of real property shall be subject to the approval of the building commission. The

provision of all leases of real property to be occupied by the board shall be the responsibility of the department of administration under s. 16.84 (5).

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59, 302; 2011 a. 32, 175.

SECTION 94. 36.11 (1) (e) of the statutes is amended to read:

36.11 (1) (e) The board, with the approval of the building commission, may sell or lease state-owned residence halls to another state agency or nonstate nonprofit agency for purposes of alternate use. This paragraph does not apply to any real property that is subject to a lease entered into by the department of administration under s. 16.848 (1).

Cross-reference: Cross-reference: Cross-reference: See also chs. UWS 18 and 21, Wis. adm. code.

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59, 302; 2011 a. 32, 175.

SECTION 95. 36.11 (28) of the statutes is amended to read:

36.11 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), and subject to any prior lease entered into by the department of administration under s. 16.848 (1), the board shall negotiate and enter into a lease agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and shall comply with s. 233.04 (7g).

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59, 302; 2011 a. 32, 175.

SECTION 96. 36.33 (title) and (1) of the statutes are amended to read:

36.33 (title) Sale Lease and relocation of agricultural lands. (1)

LEGISLATIVE INTENT. The legislature finds and determines that, because of the problems resulting from the development of the city of Madison around certain agricultural lands of the University of Wisconsin-Madison, the desirability of consolidating lands used for agricultural instruction, research and extension

1 purposes, the desirability of disposing of agricultural lands no longer needed by the
2 university and the need for land of better quality and of greater quantity for the
3 purpose of improving and expanding agricultural research, it is in the public interest
4 for the board to ~~sell or~~ lease, in whole or in part, the agricultural lands and
5 improvements thereon owned by the board and located in sections 19, 20 and 30,
6 township 7 north, range 9 east, Dane County; sections 25 and 27, township 7 north,
7 range 8 east, Dane County; sections 34 and 35, township 38 north, range 11 east,
8 Oneida County; and section 22, township 22 north, range 8 east, Portage County; and
9 to purchase other agricultural lands outside of the Madison urban area and to
10 construct thereon the necessary buildings and improvements. The foregoing policy
11 determination is made without reference to or intention of limiting the powers which
12 the board may otherwise have.

13 **SECTION 97.** 36.33 (2) (title) and (a) (intro.) of the statutes are amended to read:

14 36.33 (2) (title) METHOD OF SALE LEASE; ASSESSMENTS. (a) (intro.) The board, in
15 ~~selling or~~ leasing any part of the agricultural lands and improvements thereon,
16 mentioned in sub. (1), shall ~~sell or~~ lease on the basis of either of the following:

17 **SECTION 98.** 36.33 (3) of the statutes is amended to read:

18 36.33 (3) BUILDING COMMISSION APPROVAL. The ~~sale~~, lease and purchase of
19 agricultural lands mentioned in sub. (1) shall be subject to the approval of the
20 building commission.

History: 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 ~~X~~; 1995 a. 225; 2001 a. 103. ✓

21 **SECTION 99.** 36.33 (4) of the statutes is repealed.

History: 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 (4) ~~X~~; 1995 a. 225; 2001 a. 103. ✓

22 **SECTION 100.** 36.335 of the statutes is repealed.

History: 1993 a. 349; 1995 a. 27 ss. 279, 9116 (5); ~~X~~ Stats. 1995 s. 41.41; 1995 a. 201, 216, 225; 1997 a. 194; 1999 a. 9; 2001 a. 103; 2007 a. 20; 2011 a. 32.

23 **SECTION 101.** 41.23 of the statutes is amended to read:

1 **41.23 Sale of excess or surplus property.** The department may acquire
2 excess or surplus property from the department of administration under ss. 16.72 (4)
3 (b) and 16.98 (1) or from the department of transportation under s. 84.09 (5s) and
4 The department may sell the personal property acquired under this section to any
5 person at a price determined by the department of tourism. All proceeds received by
6 the department of tourism from the sale of property under this section shall be
7 credited to the appropriation account under s. 20.380 (1) ^{plain} ~~the~~ ^{plain} ~~the~~

History: 1997 a. 27.

8 **SECTION 102.** 41.41 (7) (d) of the statutes is [✓]repealed.

9 **SECTION 103.** 44.015 (1) of the statutes is amended to read:

10 44.015 (1) Acquire any interest in real or personal property by gift, bequest or
11 otherwise in any amount and may operate, manage, ~~sell, or rent or convey~~ real estate
12 acquired by gift, bequest, foreclosure or other means, upon such terms and conditions
13 as the board of curators deems for its interests but may not sell, mortgage, transfer
14 or dispose of in any manner or remove from its buildings, except for temporary
15 purposes, any article therein without authority of law.

INS 28-16
History: 1977 c. 29; 1987 a. 395, 399; 1991 a. 39; ~~1995~~ 1995 a. 27; 1999 a. 9; 2001 a. 109; 2003 a. 91.

16 **SECTION 104.** 45.03 (5) (c) 1. a. of the statutes is [✓]repealed.

History: 2005 a. 22, 25, 468; 2007 a. 20 ss. 782m, ~~783~~ 9121 (6) (a); 2007 a. 46, 200; ~~2008~~ 2008 a. 28; 2011 a. 32, 36.

17 **SECTION 105.** 45.03 (5) (c) 1. c. and d. of the statutes are amended to read:

18 45.03 (5) (c) 1. c. The power to lease or sublease from the nonprofit corporation,
19 and to make available for public use, any land, or any land and existing buildings
20 ~~conveyed or leased~~ to such nonprofit corporation under subd. 1. [✓]a. and b., and any
21 new buildings erected upon such land or upon any other land owned by the nonprofit
22 corporation, upon the terms, conditions, and rentals, subject to available
23 appropriations, as in the judgment of the board are in the public interest.

d. The duty to submit the plans and specifications for all new buildings to the building commission for approval whenever required by law and to submit plans and specifications for all new buildings and all conveyances, leases, and subleases made under this subsection to the department of administration and the governor for written approval before they are finally adopted, executed, and delivered.

History: 2005 a. 22, 25, 468; 2007 a. 20 ss. 782m, 782x, 9121 (6) (a); 2007 a. 46, 200; 2009 a. 28; 2011 a. 32, 36.

SECTION 106. 45.32 (7) of the statutes is amended to read:

45.32 (7) Manage, operate, lease, and exchange, ~~sell, and otherwise convey~~ real property.

History: 2005 a. 22.

SECTION 107. 46.035 (1) (a) and (b) of the statutes are amended to read:

46.035 (1) (a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) (a), (b), and (c) means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (5); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

(b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) (a), (b), and (c) means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department,

1 and all equipment therefor and all improvements and additions thereto which are
2 erected, constructed or installed after the making of such conveyance, lease or
3 sublease.

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (4); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

4 **SECTION 108.** 46.035 (2) (a) of the statutes is repealed.

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (5); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

5 **SECTION 109.** 46.035 (2) (c) and (d) of the statutes are amended to read:

6 46.035 (2) (c) The power to lease or sublease from such nonprofit corporation,
7 and to make available for public use, any such land and existing buildings conveyed
8 or leased to such nonprofit corporation under ~~pars. (a) and~~ par. (b), and any new
9 buildings erected upon such land or upon any other land owned by such nonprofit
10 corporation, upon such terms, conditions and rentals, subject to available
11 appropriations, as in the judgment of the secretary are in the public interest. With
12 ~~respect to any property conveyed to such nonprofit corporation under par. (a), such~~
13 ~~lease from such nonprofit corporation may be subject or subordinated to one or more~~
14 ~~mortgages of such property granted by such nonprofit corporation.~~

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (5); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

15 (d) The duty to submit the plans and specifications for all such new buildings
16 and all conveyances, leases and subleases made under this subsection to the
17 department of administration and the governor for written approval before they are
18 finally adopted, executed and delivered.

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (5); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

19 **SECTION 110.** 46.06 (title) of the statutes is amended to read:

20 **46.06 (title) Lands; condemnation, easements, leases, sales, purchases.**

History: 1973 c. 12 s. 10; 1973 c. 90; 1975 c. 39 ss. 341, 732 (2); 1987 a. 5, 27; 1989 a. 31; 1995 a. 378; 2005 a. 25.

21 **SECTION 111.** 46.06 (4) of the statutes is repealed.

History: 1977 c. 29; 1981 c. 93, 317; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 307; 1989 a. 31, 96, 173; 1993 a. 16; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 25; 2007 a. 20; 2009 a. 28.

22 **SECTION 112.** 51.06 (6) of the statutes is amended to read:

1 51.06 (6) SALE OF ASSETS ~~OR REAL PROPERTY~~ AT NORTHERN CENTER FOR THE
2 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for
3 the Developmentally Disabled for the purpose specified in sub. (1), but may sell
4 assets ~~or, except~~ ^{plan} ~~real property~~ of the Northern Center for the Developmentally
5 Disabled. If there is any outstanding public debt used to finance the acquisition,
6 construction, or improvement of any property that is sold under this subsection, the
7 department shall deposit a sufficient amount of the net proceeds from the sale of the
8 property in the bond security and redemption fund under s. 18.09 to repay the
9 principal and pay the interest on the debt, and any premium due upon refunding any
10 of the debt. If the property was purchased with federal financial assistance, the
11 department shall pay to the federal government any of the net proceeds required by
12 federal law. If there is no such debt outstanding and there are no moneys payable
13 to the federal government, or if the net proceeds exceed the amount required to be
14 deposited or paid under this subsection, the department shall credit the net proceeds
15 or remaining net proceeds to the appropriation account under s. 20.435 (2) (gk).

History: 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 386; 2007 a. 153; 2009 a. 28; 2011 a. 126, 260.

16 **SECTION 113.** 84.01 (30) (intro.) of the statutes is amended to read:

17 84.01 (30) BUILD-OPERATE-LEASE OR TRANSFER AGREEMENTS. (intro.) The
18 department may enter into build-operate-lease or transfer agreements with private
19 entities for the construction of transportation projects, including any projects to be
20 financed under s. 84.59 for transportation administrative facilities under s. 84.01
21 (28) and, for projects that are not purchased by the state upon their completion, for
22 the maintenance and operation of such projects. A project under this subsection may
23 be constructed on state-owned land. An agreement under this subsection may not
24 be entered into unless the department determines that the agreement advances the

1 public interest, and the private entity has prior experience in design, construction,
2 site development and environmental impact analysis and, for a project that is not
3 expected to be purchased by the state upon its completion, has the capability of
4 maintaining and operating the facility upon completion of the project. The following
5 provisions shall be contained in any build-operate-lease or transfer agreement
6 under this subsection, ~~except that they shall be included in an agreement for a sale~~
7 ~~of property under par. (g) 3. only if they are relevant to that sale:~~

History: 1971 c. 40, 125; 1973 c. 12; 1973 c. 243 s. 82; 1975 c. 189; 1977 c. 29 ss. 918 to 924, 1654 (1), (8) (a), (f), 1656 (43); 1977 c. 190, 272; 1979 c. 221, 314; 1981 c. 346 s. 38; 1983 a. 27, 130; 1985 a. 29, 300; 1987 a. 27; 1989 a. 31, 125, 345; 1993 a. 246; 1995 a. 225, 338; 1997 a. 27, 106; 1999 a. 9; 2001 a. 16; 2005 a. 25, 89, 392, 410; 2007 a. 20, 97, 125; 2009 a. 28; 2011 a. 32, 167.

8 ~~SECTION 114. 84.01 (30) (g) 3. of the statutes is repealed.~~
9 ~~INS 84.09 (1)~~

10 ~~SECTION 115. 84.09 (5) (a) of the statutes is amended to read:~~

11 84.09 (5) (a) Subject to ~~par. (b) and (e)~~ par. (b) and (c) and to the approval of the governor, ★
12 the department may sell at public or private sale any personal property of whatever
13 nature owned by the state and under the jurisdiction of the department when the
14 department determines that the property is no longer necessary for the state's use
15 for transportation purposes ~~and, if real property, the real property is not the subject~~
16 ~~of a petition under s. 16.310 (2).~~ The department shall present to the governor a full
17 and complete report of the property to be sold, the reason for the sale, and the
18 minimum price for which the same should be sold, together with an application for
19 the governor's approval of the sale. The governor shall thereupon make such
20 investigation as he or she may deem necessary and approve or disapprove the
21 application. Upon such approval and receipt of the full purchase price, the
22 department shall ~~by appropriate deed or other instrument~~ transfer the property to
23 the purchaser. The approval of the governor is not required for public or private sale
24 of property having an appraised value at the time of sale of not more than \$15,000,
~~for the transfer of surplus state real property to the department of administration~~

✓
1 ~~under s. 16.310,~~ or for the transfer of surplus state personal property to the
2 department of tourism under sub. (5s). The funds derived from sales under this
3 subsection shall be deposited in the transportation fund, and the expense incurred
4 by the department in connection with the sale shall be paid from such fund.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

5 **SECTION 116.** 84.09 (5) (b) of the statutes is amended to read:

6 84.09 (5) (b) Subject to the approval of the governor in the manner, scope, and
7 form specified in par. (a), with respect to the sale of personal property acquired by
8 the department for a project that is completed after May 25, 2006, the department
9 shall, and with respect to the sale of personal property acquired by the department
10 for a project that is completed before May 25, 2006, the department may offer for sale
11 or transfer ownership of the property that the department determines is no longer
12 necessary for the state's use for transportation purposes, if the property is not the
13 ~~subject of a petition under s. 16.310 (2).~~ ✓ This disposition process shall take place
14 within 24 months of the completion of the transportation project for which the
15 property was acquired. ~~Except as provided in par. (c) 3., the~~ ✓ The department shall
16 offer limited and general marketable properties at appraised value, as determined
17 by a state-certified or licensed appraiser, for not less than 12 months. If the
18 department does not sell the property at or above its appraised value, the
19 department shall offer the property for sale by means of sealed bids or public auction.
20 For the purposes of this paragraph, a project is completed when final payment is
21 made under the contract for the project.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

22 **SECTION 117.** 84.09 (5) (c) of the statutes is repealed. ✓

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

1 **SECTION 118.** 84.09^x (5m) of the statutes is repealed.^v

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

2 **SECTION 119.** 84.09^x (5r) of the statutes is amended to read:

3 84.09 (5r) ~~In lieu of the sale or conveyance of property under sub. (5) or (5m),~~^j
4 ~~the~~ The department may, subject to the approval of the governor, donate real
5 property that is adjacent to the veterans memorial site located at The Highground
6 in Clark County and owned by the state and under the jurisdiction of the department
7 to the Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the
8 veterans memorial site located at The Highground in Clark County for the purpose
9 of a memorial hall specified in s. 70.11 (9). The department may donate property
10 under this subsection only when the department determines that the property is no
11 longer necessary for the state's use for transportation purposes ~~and is not the subject~~
12 ~~of a petition under s. 16.310 (2) and is transferred with a restriction that the donee~~^j
13 may not subsequently transfer the real property to any person except to this state,
14 which shall not be charged for any improvements thereon. Such restriction shall be
15 recorded in the office of the register of deeds in the county in which the property is
16 located. The department shall present to the governor a full and complete report of
17 the property to be donated, ^{and} ~~the reason for the donation, and the minimum price for~~
18 ~~which the property could likely be sold under sub. (5),~~^j together with an application
19 for the governor's approval of the donation. The governor shall thereupon make such
20 investigation as he or she considers necessary and approve or disapprove the
21 application. Upon such approval, the department shall by appropriate deed or other
22 instrument transfer the property to the donee. The approval of the governor is not
23 required for donation of property having an appraised value at the time of donation

1 of not more than \$15,000. Any expense incurred by the department in connection
2 with the donation shall be paid from the transportation fund.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

3 **SECTION 120.** 84.09 (8) (b) of the statutes is amended to read:

4 84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall
5 submit to the state building commission and the joint committee on finance an
6 inventory of surplus land containing a general description of the location and an
7 estimated value of each parcel. For each inventory submitted after May 25, 2006,
8 the inventory shall contain a report including the estimated marketable value totals,
9 by marketable type, of the land parcels, the net gain and net sale of surplus
10 properties in the previous 2-year period, and a summary of the 5 most recent reports
11 submitted under this paragraph.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

12 **SECTION 121.** 84.09 (9) of the statutes is repealed.

13 **SECTION 122.** 84.40 (1) (a) of the statutes is amended to read:

14 84.40 (1) (a) "Existing highways and other improvements," in relation to any
15 conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion
16 of the national system of interstate and defense highways in this state, including all
17 bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches,
18 signing, weighing stations, administration, storage and other buildings, facilities or
19 appurtenances which in the judgment of the department are needed or useful for
20 interstate highway purposes, and all improvements and additions thereto which
21 were erected, constructed or installed prior to the making of such conveyance, lease
22 or sublease.

History: 1977 c. 29 ss. 948, 1654 (8) (a); 1981 c. 394; 1993 a. 490; 1999 a. 150 s. 672.

23 **SECTION 123.** 84.40 (1) (b) of the statutes is amended to read:

84.40 (1) (b) "New highways and other improvements," in relation to any conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion of the national system of interstate and defense highways in this state, including all bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches, signing, weighing stations, administration, storage and other buildings, facilities or appurtenances which in the judgment of the department are needed or useful for interstate highway purposes, and all improvements and additions thereto or to existing interstate highways and other improvements which are erected, constructed or installed after the making of such conveyance, lease or sublease.

History: 1977 c. 29 ss. 948, 1654 (8) (a); 1981 c. 314; 1993 a. 490; 1999 a. 150 s. 672.

SECTION 124. 84.40 (2) (a) of the statutes is repealed.

SECTION 125. 84.40 (2) (c) of the statutes is amended to read:

84.40 (2) (c) May lease or sublease from such nonprofit-sharing corporation, and make available for public use, any such public right-of-way available for highway purposes and existing highways and other improvements ~~CONVEYED OR~~ leased to such corporations under ~~par. (a) and~~ par. (b), and any new highways or other improvements constructed upon such public right-of-way available for highway purposes or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as the department deems in the public interest. ~~With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.~~

plain,
strike

History: 1977 c. 29 ss. 948, 1654 (8) (a); 1981 c. 314; 1993 a. 490; 1999 a. 150 s. 672.

SECTION 126. 84.40 (4) of the statutes is amended to read:

1 84.40 (4) All conveyances, leases and subleases made under this section shall
2 be made, executed and delivered in the name of the department and signed by the
3 secretary or the secretary's designees.

History: 1977 c. 29 ss. 948, 1654 (8) (a); 1981 c. 314; 1993 a. 490; 1999 a. 150 s. 672.

4 **SECTION 127.** 85.09 (4) of the statutes is amended to read:

5 85.09 (4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department
6 may determine at any time whether the rail property is abandoned, and whether it
7 is in the best interest of the state to acquire the rail property. Within 90 days after
8 being requested by any state agency, any railroad or any county or municipality in
9 which the rail property is located, the department shall, subject to sub. (5) (b), make
10 a determination of the abandonment status and, if found to be abandoned, shall
11 determine whether it is in the best interest of the public to acquire the rail property.
12 If it is determined to acquire the rail property or any part or interest therein, the
13 department shall, within 180 days of the determination of its abandoned status, or
14 the interstate commerce commission's final order permitting the abandonment, or
15 the termination of any efforts to negotiate an agreement for continual operation of
16 rail service on the line, whichever occurs last, determine the fair market value of the
17 rail property and acquire the rail property at a price deemed reasonable by the
18 department or make a relocation order under s. 32.05. In making its determination,
19 the department shall consider long-range potential for use of the rail property for
20 restoration of railroad service and for other transportation related purposes. The
21 department shall solicit the opinions of appropriate state agencies, affected counties
22 and municipalities and other interested persons. The department shall give due
23 consideration to an expressed desire by a state agency or an affected county or
24 municipality to acquire, in whole or in part, the rail property under consideration.

1 Subject Except as provided in this subsection and subject to sub. (6), all or part of any
2 interest in abandoned rail property acquired by the department under this section
3 or under s. 66.941 (7), 1975 stats., may be subsequently conveyed to another state
4 agency or a county or municipality for transportation purposes, recreational
5 purposes, scenic purposes or for the purpose of constructing a correctional
6 institution, or to a railroad for continued railroad transportation operations when
7 the railroad has operated on the rail property for 5 years and the department may
8 make such conveyances for such purposes. Any determination of the department
9 under this section that rail property is not abandoned shall not preclude the
10 undertaking of a subsequent investigation and determination concerning the same
11 rail property or any portion thereof. If at any time subsequent to the acquisition of
12 rail property under this section the department determines that the rail property is
13 not suitable for transportation purposes, recreational purposes, scenic purposes or
14 for the purpose of constructing a correctional institution, or that the rail property or
15 any interest therein may be conveyed to any other person on terms which are not
16 inconsistent with the potential use of the rail property for transportation purposes,
17 recreational purposes, scenic purposes or for the purpose of constructing a
18 correctional institution or which yield a benefit, including financial benefits, to the
19 state which outweighs the benefit derived from the rail property if used for
20 transportation purposes, recreational purposes, scenic purposes or for the purpose
21 of constructing a correctional institution, the department may convey the rail
22 property or such interest therein, except as provided in this subsection and subject
23 to sub. (6). The department shall give notice of its intention to make the conveyance,
24 and state and local units of government shall have the first 6 months in which to
25 exercise their opportunity to acquire the rail property or interest therein. The

1 railroad from which the rail property was acquired shall have the next 6 months in
2 which to exercise its opportunity to reacquire the rail property or interest therein.

3 The department shall not sell real property under this subsection.

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (X); 2003 a. 33; 2005 a. 179; 2007 a. 20; 2011 a. 32.

4 **SECTION 128.** 85.09 (4i) of the statutes is amended to read:

5 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
6 private sale personal rail property acquired under sub. (4) when the department
7 determines that the rail property is not necessary for a public purpose and, if real
8 property, the real property is not the subject of a petition under s. 16.310 (2). Upon
9 receipt of the full purchase price, the department shall, by appropriate deed or other
10 instrument, transfer the rail property to the purchaser. The funds derived from sales
11 under this subsection shall be deposited in the transportation fund, and the expense
12 incurred by the department in connection with the sale shall be paid from the
13 appropriation under s. 20.395 (2) (bq). ~~This subsection does not apply to real~~
14 ~~property that is sold under s. 16.848.~~

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (X); 2003 a. 33; 2005 a. 179; 2007 a. 20; 2011 a. 32.

15 **SECTION 129.** 85.15 (2) of the statutes is amended to read:

16 85.15 (2) The department shall credit to the appropriation account under s.
17 20.395 (4) (ew) the amount, if any, by which moneys received in any year from the
18 sale or lease of property acquired by the department exceeds \$2,750,000. The
19 department shall use 50% of any proceeds credited to this appropriation account
20 from the sale or lease of any property to supplement the costs of management and
21 operations of the district office of the department that initiated the sale or lease of
22 that property.

History: 1977 c. 29; 1991 a. 269; 1997 a. 27.

23 **SECTION 130.** 108.161 (7) of the statutes is repealed.

SECTION 131. 108.161 (9) of the statutes is amended to read:

108.161 (9) Any land and building or office quarters acquired under this section shall continue to be used for employment security purposes. ~~Realty or quarters may not be sold or transferred to other use without the governor's approval. The proceeds from the sale, or the value of realty or quarters upon transfer, shall be credited to the account established in sub. (1) or credited to the fund established in s. 108.20, or both in accordance with federal requirements.~~ Equivalent substitute rent-free quarters may be provided, as federally approved. ~~Amounts credited under this subsection shall be used solely to finance employment security quarters according to federal requirements.~~

History: 1971 c. 259; 1983 a. 8, 27; 1985 a. 29; 1991 a. 39; 1993 a. 492; 1995 a. 225; 1997 a. 39; 1999 a. 15; 2001 a. 43; 2003 a. 33, 197.

SECTION 132. 114.33 (10) of the statutes is amended to read:

114.33 (10) Subject to the approval of the governor under this subsection, the secretary may sell at public or private sale personal property of whatever nature owned by the state and under the jurisdiction of the secretary when the secretary determines that the property is no longer necessary for the state's use for airport purposes and, if real property, the real property is not the subject of a petition under s. 16.310. The secretary shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the property should be sold, together with an application for the governor's approval of the sale. The governor shall investigate the proposed sale as he or she deems necessary and approve or disapprove the application. Upon approval and receipt of the full purchase price, the secretary shall by appropriate deed or other instrument transfer the property to the purchaser. The funds derived from the sale shall be deposited in the appropriate airport fund, and the expense incurred by the secretary

1 in connection with the sale shall be paid from that fund. ~~This subsection does not~~
2 ~~apply to real property that is sold under s. 16.848.~~

History: 1971 c. 192; 1973 c. 241; 1977 c. 29; 1979 c. 221; 1981 c. 20 s. 2202 (51) (d); 1987 a. 27; 1991 a. 39; 1997 a. 253, 282; 1999 a. 32; 2003 a. 33; 2005 a. 335; 2007 a. 20; 2011 a. 32.

3 **SECTION 133.** 190.15 of the statutes is repealed.

4 **SECTION 134.** 196.491 (2) (e) of the statutes is renumbered 196.491 (2) (e) 2.

5 *and* amended to read:

6 196.491 (2) (e) 2. Any state agency, as defined in s. 16.310 (1), county,
7 municipality, town, or person may submit written comments to the commission on
8 a strategic energy assessment within 90 days after copies of the draft are issued
9 under par. (b).

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227, 409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33, 89; 2005 a. 24, 29; 2007 a. 20 s. 9121 (6) (a); 2009 a. 40, 378, 379; 2011 a. 32, 155; 2011 a. 260 s. 81.

10 **SECTION 135.** 196.491 (2) (e) 1. of the statutes is created to read:

11 196.491 (2) (e) 1. In this paragraph, “state agency” means an office,
12 commission, department, or independent agency in the executive branch of state
13 government.

14 **SECTION 136.** 256.35 (3m) (h) of the statutes is renumbered 256.35 (3m) (h) 2.

15 and amended to read:

16 256.35 (3m) (h) 2. No local government or state agency, as defined in s. 16.310
17 (1), except the commission, may require a wireless provider to collect or pay a
18 surcharge or fee related to wireless emergency telephone service.

History: 1977 c. 392; 1979 c. 34, 361; 1981 c. 20 s. 2202 (1) (b); 1981 c. 383; 1983 a. 27; 1983 a. 53 s. 114; 1983 a. 189 s. 329 (31); 1985 a. 29, 120; 1985 a. 297 ss. 12, 76; 1985 a. 332; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 267; 1993 a. 16, 388, 496; 1997 a. 218, 283; 1999 a. 185; 2001 a. 109; 2003 a. 48, 320; 2005 a. 25; 2007 a. 130 ss. 160 to 165; Stats. 2007 s. 256.35; 2009 a. 28; 2009 a. 180 s. 126; 2011 a. 32, 275.

19 **SECTION 137.** 256.35 (3m) (h) 1. of the statutes is created to read:

20 256.35 (3m) (h) 1. In this paragraph, “state agency” means an office,
21 commission, department, or independent agency in the executive branch of state
22 government.

1 **SECTION 138.** 301.235 (1) (a) and (b) of the statutes are amended to read:

2 301.235 (1) (a) “Existing building”, in relation to any conveyance, lease or
3 sublease made under sub. (2) (a) ~~1.~~[✓], 2. and 3., means all detention, treatment,
4 administrative, recreational, infirmary, hospital, vocational and academic buildings;
5 all dormitories and cottages; all storage facilities, heating plants, sewage disposal
6 plants, and such other buildings, structures, facilities and permanent improvements
7 as in the judgment of the secretary are needed or useful for the purposes of the
8 department, and all equipment therefor and all improvements and additions thereto
9 which were erected, constructed or installed prior to making the conveyance, lease
10 or sublease.

History: 1989 a. 31; 1997 a. 79; 2005 a. 25.

11 (b) “New building”, in relation to any conveyance, lease or sublease made under
12 sub. (2) (a) ~~1.~~[✓], 2. and 3., means all detention, treatment, administrative, recreational,
13 infirmary, hospital, vocational and academic buildings; all dormitories and cottages;
14 all storage facilities, heating plants, sewage disposal plants, and such other
15 buildings, structures, facilities and permanent improvements as in the judgment of
16 the secretary are needed or useful for the purposes of the department, and all
17 equipment therefor and all improvements and additions thereto which are erected,
18 constructed or installed after making the conveyance, lease or sublease.

History: 1989 a. 31; 1997 a. 79; 2005 a. 25.

19 **SECTION 139.** 301.235 (2) (a) ~~1.~~[✓] of the statutes is ~~repealed~~[✓].

20 **SECTION 140.** 301.235 ~~(3)~~² (a) ~~3.~~[✓] and ~~4.~~[✓] of the statutes are amended to read:

21 301.235 ~~(3)~~² (a) 3. The power to lease or sublease from the nonprofit corporation,
22 and to make available for public use, any such land and existing buildings conveyed
23 or leased to the nonprofit corporation under ~~subds. 1. and~~[✓] subd. 2., and any new
24 buildings erected upon the land or upon any other land owned by such nonprofit

1 corporation, upon such terms, conditions and rentals, subject to available
2 appropriations, as the secretary determines are in the public interest. With respect
3 to any property conveyed to the nonprofit corporation under subd. 1., the lease from
4 the nonprofit corporation may be subject or subordinated to one or more mortgages
5 of the property granted by the nonprofit corporation.

6 4. The duty to submit the plans and specifications for all such new buildings
7 and all conveyances, leases and subleases made under this section to the department
8 of administration and the governor for written approval before they are finally
9 adopted, executed and delivered.

History: 1989 a. 31; 1997 a. 79; 2005 a. 25.

SECTION 141. 301.24 (4) of the statutes is repealed.

History: 1989 a. 31 ss. 974, 975, 2569; 1989 a. 56 s. 84; 1995 a. 378; 2005 a. 25.

SECTION 142. 301.24 (4m) of the statutes is amended to read:

12 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to
13 any other requirements under this section, ~~except where a sale occurs under s.~~
14 ~~16.848,~~ the department may sell or otherwise transfer or dispose of the property
15 acquired for the correctional institution under s. 46.05 (1o), 1985 stats., only if the
16 sale, transfer or disposition is approved by the joint committee on finance. The
17 department shall submit a plan for any such proposed sale, transfer or disposition
18 to the committee.

History: 1989 a. 31 ss. 974, 975, 2569; 1989 a. 56 s. 84; 1995 a. 378; 2005 a. 25.

SECTION 143. 301.25 of the statutes is amended to read:

20 **301.25 Sewer system at Taycheedah Correctional Institution.** The
21 department, with the approval of the governor, may enter into an agreement
22 containing terms, conditions and covenants approved by the building commission,
23 to participate in the construction of a sanitary sewer system in the area adjacent to
24 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac

1 County; to connect the sewer system of the Taycheedah Correctional Institution
2 thereto; to pay sewage disposal charges; and to grant easements ~~or convey land~~ to
3 meet construction requirements.

History: 1975 c. 189 s. 99 (1); 1975 c. 224 s. 146m; 1989 a. 31 s. 1069; Stats. 1989 s. 301.25; 2005 a. 25; 2007 a. 20.

4 **SECTION 144.** 302.04 of the statutes is amended to read:

5 **302.04 Duties of warden and superintendents.** Except as provided in s.
6 16.848 ¹(1), the warden or the superintendent of each state prison shall have charge
7 and custody of the prison and all lands, belongings, furniture, implements, stock and
8 provisions and every other species of property within the same or pertaining thereto.
9 The warden or superintendent shall enforce the rules of the department for the
10 administration of the prison and for the government of its officers and the discipline
11 of its inmates.

History: 1989 a. 31 s. 1620; Stats. 1989 s. 302.04; 1991 a. 316; 2005 a. 25.

12 **SECTION 145.** 321.03 (2) (b) of the statutes is amended to read:

13 321.03 (2) (b) Upon appraisal by the state chief engineer submitted to the
14 governor in writing and with written approval of the governor sell and convey, any
15 state-owned personal property acquired or erected for state military purposes, if the
16 property is no longer useful to the national guard.

History: 1983 a. 27; 1997 a. 237; 2001 a. 109; 2005 a. 475; 2007 a. 162; 2007 a. 200 ss. 17 to 20m, 64 to 65, 86 to 88; Stats. 2007 s. 321.03.

17 (END)

d-note